

AMENDMENTS TO THE DRAWINGS

Figures 1, 2, and 3 lacked descriptive labels on the figure elements. Corrected replacement sheets are being filed herewith.

REMARKS

I. INDEPENDENT CLAIMS 1, 9 AND 18 CLAIM LIMITATIONS NOT FOUND IN THE '109 PATENT

The Examiner rejected independent claims 1, 9 and 18 under 35 U.S.C. § 102(e) in view of the '109 Patent. Applicant respectfully suggests that the '109 Patent does not teach, suggest, or disclose the claimed invention and in fact teaches away from the invention.

The invention is a continuation session attribute that maintains the allocation of the IP address without the server deallocating the IP address and terminating a mobile node's connectivity even though the mobile node has transitioned to a new cell. Claim 1 requires a "control message transmission on the first network comprising a data element that denotes the continuation of the mobile node's communication session on the first network". Claim 9 requires "a request message from a serving computer to a first serving computer, said request message contains a session continuation message; and receiving the request message from said serving computer and maintaining an address allocation for a mobile node on the foreign network". Claim 18 requires "receiving a continuation session message, and continuing an accounting function for a mobile node address on an ongoing communication session after receipt of the continuation session message".

The '109 Patent does not teach, disclose, or suggest a continuation session attribute data element, maintaining allocation of an IP address, or continuing an accounting function for an ongoing communication session. In fact, the '109 expressly teaches away from the existence of such a session continuation attribute because it deallocates the IP address. The '109 Patent discloses a procedure for assigning a

“previously assigned” IP address to a mobile station used on an adjacent cell. In order to be “previously assigned” the mobile station cannot be currently assigned that IP address. In other words, the IP address has been deallocated from the mobile station and may be assigned to another mobile station by the controller. This is clear from the following:

SwMI 300, acting as a first controller for cell 350 of the first network of the cellular radio communications system, is adapted to receive a request from the mobile station 374 that the cellular radio communication system assign to mobile station 374 the static IP address previously assigned to the mobile station outside of cell 350. If mobile station 374 had passed directly from cell 210 to cell 350, then the request from mobile station 374 to SwMI 300, acting as foreign agent, would be for the same IP address as mobile station 374 had been using in cell 210.

SwMI 300 is further adapted, in response to the request from mobile station 374, to check with SwMI 200 associated with cell 210 that the static IP address requested has not been assigned to another mobile station. Although in this example mobile station 374 has passed directly from cell 210 to cell 350, in general SwMI 300 is adapted to check with the controller of the cell in the location where the mobile station was previously registered. This may have been another foreign agent for mobile station 374, not shown on FIG. 4.

Finally, SwMI 300 is adapted to assign the static IP address previously assigned to mobile station 374, outside of cell 350, to mobile station 374 for use in cell 350, if the static IP address has not been assigned to another mobile station. Registration with the Home Agent of SWMI 300 allows the forwarding of data packets to the SWMI 300 by tunnelling through the network. It is possible that the IP address previously assigned to mobile station 374, outside of cell 350, has been assigned by SwMI 200 to another mobile station, and is therefore no longer available to be assigned by SwMI 300 for use in cell 350. It is also possible that another mobile station already within cell 350 has been given the IP address previously used by mobile station 374, and that for this reason the IP address previously assigned to mobile station 374 is no longer available for assignment by SwMI 300 to mobile station 374 for use in cell 350.

The ‘109 Patent, col. 6, ln. 4-39 (emphasis added).

Thus, the ‘109 Patent does not maintain allocation of the IP address or continuation of the mobile node’s accounting when it transitions to a new cell. Rather, the ‘109 Patent discloses a procedure where a mobile node is allocated a previously used IP address, but

that previously used IP address has been deallocated and now must be allocated again to the mobile station. In the interim, before the controller assigns the “previously assigned” IP address back to the mobile station, the controller can assign that IP address to a different mobile station.

In the invention, the connectivity and the IP address allocation are maintained. The IP address cannot be assigned to another mobile node, because the controller never deallocates the address to free it for assignment to another mobile node. There is not an allocation of a “previously assigned” IP address as taught in the ‘109 Patent because the invention does not deallocate the IP address (e.g. does not assign a previously used IP address).

Furthermore, as shown above, the ‘109 Patent exhibits the problem the invention eliminates. As stated in the specification of the application, under the prior art, a server can deallocate a mobile node address and erroneously assign that IP address to another mobile node, and the invention solves this problem. *See Application, p. 13, ln 19-25 – p. 14, ln. 1-3.* This prior art problem is clearly a characteristic of the ‘109 Patent as, stated above, where the previously used IP address can be allocated to another mobile station. Because deallocation of the mobile node’s address occurs in the ‘109 Patent as described for prior art systems in the application’s specification, the ‘109 Patent covers a prior art system cannot disclose, suggest, or teach a session continuation attribute or its method of operation.

Independent Claims 1, 9, and 18 are allowable because the ‘109 Patent does not teach, suggest, or disclose the claimed limitations. Since the dependent claims add further limitations to the limitations of the allowable independent claims, the Applicant

believes the dependent claims are likewise allowable and that the amended independent claims render the § 103(a) rejections of the independent claims as moot.

II. CONCLUSION

The Applicant respectfully requests reconsideration of the present application because the Examiner's 35 U.S.C. § 103(a) and § 102(e) rejections are believed to have been traversed by the present Response. Pending claims 1-23 are believed allowable because the claimed invention is not disclosed, taught, or suggested by the cited references.

It is believed that no additional fees are necessary for this filing. If additional fees are required for filing this response, then the appropriate fees should be deducted from D. Scott Hemingway's Deposit Account No. 501,270.

Respectfully submitted,

A handwritten signature in black ink, reading "Malcolm W. Pipes". The signature is written in a cursive, flowing style.

Malcolm W. Pipes
Reg. No. 46,995
Attorney for Applicant

Hemingway, LLP
460 Preston Common West
8117 Preston Road
Dallas, Texas 75225
(214) 292-8301 (voice)
(214) 739-5209 (fax)